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10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-251

13 **PATRICIA ANN HOOVER**  
3283 Collier Avenue  
14 San Diego, CA 92116

**DEFAULT DECISION**  
**AND ORDER**

15 Registered Nurse License No. 624354

[Gov. Code, §11520]

16 Respondent.  
17

18 FINDINGS OF FACT

19 1. On or about February 28, 2008, Complainant Ruth Ann Terry, M.P.H,  
20 R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing, filed  
21 Accusation No. 2008-251 against Patricia Ann Hoover (Respondent).

22 2. On or about August 15, 2003, the Board of Registered Nursing issued  
23 Registered Nurse License No. 624354 to Respondent. Registered Nurse License No. 624354  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 April 30, 2009, unless renewed.

26 3. On or about March 12, 2008, Sandra Sotelo, an employee of the  
27 Department of Justice, served by Certified Mail a copy of the Accusation No. 2008-251, and all  
28 relevant documents to Respondent's address of record with the Board, which was and is:

1 3283 Collier Avenue, San Diego, CA 92116. A copy of the Accusation is attached as exhibit A,  
2 and is incorporated herein by reference.

3 4. Service of the Accusation was effective as a matter of law under the  
4 provisions of Government Code section 11505, subdivision (c).

5 5. Government Code section 11506 states, in pertinent part:

6 (c) The respondent shall be entitled to a hearing on the merits if the  
7 respondent files a notice of defense, and the notice shall be deemed a specific  
8 denial of all parts of the accusation not expressly admitted. Failure to file a notice  
of defense shall constitute a waiver of respondent's right to a hearing, but the  
agency in its discretion may nevertheless grant a hearing.

9 6. Respondent failed to file a Notice of Defense within 15 days after service  
10 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
11 Accusation No. 2008-251.

12 7. California Government Code section 11520 states, in pertinent part:

13 (a) If the respondent either fails to file a notice of defense or to appear at  
14 the hearing, the agency may take action based upon the respondent's express  
admissions or upon other evidence and affidavits may be used as evidence without  
15 any notice to respondent.

16 8. Pursuant to its authority under Government Code section 11520, the Board  
17 finds Respondent is in default. The Board will take action without further hearing and, based on  
18 the evidence on file herein, finds that the allegations in Accusation No. 2008-251 are true.

19 9. The total cost for investigation and enforcement in connection with the  
20 Accusation are \$2,612.00 as of April 11, 2008.

21 DETERMINATION OF ISSUES

22 1. Based on the foregoing findings of fact, Respondent Patricia Ann Hoover  
23 has subjected her Registered Nurse License N. 624354 to discipline.

24 2. A copy of the Accusation is attached.

25 3. The agency has jurisdiction to adjudicate this case by default.

26 4. The Board is authorized to revoke Respondent's Registered Nurse License  
27 No. 624354 based upon the following violations alleged in the Accusation:

28 ///

1 a. Respondent committed unprofessional conduct in that between  
2 February 20, 2004 and March 10, 2004, she obtained Dilaudid, Fentanyl, and Morphine,  
3 controlled substances, by fraud, deceit, misrepresentation or subterfuge or by the concealment of  
4 a material fact, in violation of Health and Safety Code section 1173(a), by signing out medication  
5 for administration to various patients and taking it for her own personal use.

6 b. Respondent committed unprofessional conduct, as defined in Code  
7 section 2762(b), in that on March 10, 2004, while on duty as a registered nurse at Scripps Mercy  
8 Hospital, she used controlled substances to an extent that it impaired her ability to conduct with  
9 safety to the public the practice of registered nursing.

10 c. Respondent committed unprofessional conduct, as defined in Code  
11 section 2762(e), in that between February 20, 2004 and March 10, 2004, while employed as a  
12 registered nurse at Scripps Mercy Hospital, Respondent falsified, made grossly incorrect, grossly  
13 inconsistent or unintelligible entries in hospital or patient records.

14 ORDER

15 IT IS SO ORDERED that Registered Nurse License No. 624354, heretofore  
16 issued to Respondent Patricia Ann Hoover, is revoked.

17 Pursuant to Government Code section 11520, subdivision (c), Respondent may  
18 serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
19 within seven (7) days after service of the Decision on Respondent. The agency in its discretion  
20 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
21 statute.

22 This Decision shall become effective on August 25, 2008.

23 It is so ORDERED July 25, 2008

24 *LaTranene W Tate*

25 FOR THE BOARD OF REGISTERED NURSING

26  
27 DOJ docket number:SD2006801493

28 Attachment: Exhibit A - Accusation No. 2008-251

Exhibit A  
Accusation No. 2008-251

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
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10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
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**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2008-251

14 **PATRICIA ANN HOOVER**  
3283 Collier Avenue  
15 San Diego, California 92116

**A C C U S A T I O N**

16 Registered Nurse License No. 624354

17 Respondent.

18  
19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the  
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
23 Affairs.

24 2. On or about August 15, 2003, the Board issued Registered Nurse License  
25 Number 624354 to Patricia Ann Hoover ("Respondent"). The license will expire on  
26 April 30, 2009, unless renewed.

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“(e) Falsify or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.”

7. Code section 4060 states, in pertinent part, that no person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.

## COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## DRUGS

9. "Fentanyl" is a Schedule II controlled substance as designated by Health and Safety Code section 11055(c)(8).

10. "Morphine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(M).

11. "Dilaudid," a brand of hydromorphone, is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(K).

12. "Tylenol with Codeine No. 3" is a compound containing codeine, a Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(2).

13. "Ativan," a brand of lorazepam, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(13).

14. "Vicodin" is a compound containing hydrocodone bitartrate, also known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety Code section 11056(c)(4).

15. "Valium," a brand of diazepam, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(8).

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1                   16.     "Reglan," a brand of metoclopramide hydrochloride, is a dangerous drug  
2 within the meaning of Business and Professions Code section 4022 in that it requires a  
3 prescription under federal law.

4                   17.     "Dilantin," a brand of phenytoin sodium, is a dangerous drug within the  
5 meaning of Business and Professions Code section 4022 in that it requires a prescription under  
6 federal law.

7                                   **FIRST CAUSE FOR DISCIPLINE**

8                                   **(Obtained and Possessed Controlled Substances)**

9                   12.     Respondent is subject to discipline under Code section 2761(a) on the  
10 grounds of unprofessional conduct as defined in section 2762(a) of that Code in that between  
11 February 20, 2004, and March 10, 2004, while employed as a registered nurse at Scripps Mercy  
12 Hospital, San Diego, California, Respondent did the following:

13                         a.   Obtained Dilaudid, Fentanyl, and Morphine, controlled substances, by fraud,  
14 deceit, misrepresentation or subterfuge or by the concealment of a material fact, in violation of  
15 Health and Safety Code section 11173(a), by signing out medication for administration to various  
16 patients and taking it for her own personal use as set forth in paragraph 19, subparagraphs (a)  
17 through (n), below which are incorporated herein by this reference.

18                         b.   Possessed Dilaudid, Fentanyl, and Morphine, controlled substances, in  
19 violation of Code section 4060, in that Respondent did not have a prescription for those  
20 controlled substances use as set forth in paragraph 18 below which is incorporated herein by this  
21 reference.

22                                   **SECOND CAUSE FOR DISCIPLINE**

23                                   **(Use of Controlled Substances)**

24                   18.     Respondent is subject to discipline under Code sections 2761(a) on the  
25 grounds of unprofessional conduct as defined in Code section 2762(b), in that Respondent used  
26 controlled substances to an extent that it impaired her ability to conduct with safety to the public  
27 the practice of registered nursing. The circumstances are that on March 10, 2004, while on duty  
28 as a registered nurse at Scripps Mercy Hospital, San Diego, California, and assigned to care for



1 patients, Respondent was observed to have an unsteady gait, slurred speech, bizarre facial  
2 expressions, and her hands were shaking. Respondent was given a drug screening test, and the  
3 results were positive for Dilaudid, Fentanyl and Morphine.

### 4 THIRD CAUSE FOR DISCIPLINE

#### 5 **(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)**

6 19. Respondent is subject to discipline under Code section 2761(a), on the  
7 grounds of unprofessional conduct, as defined in Code section 2762(e), in that between  
8 February 20, 2004, and March 10, 2004, while employed as a registered nurse at Scripps Mercy  
9 Hospital, San Diego, California, Respondent falsified, made grossly incorrect, grossly  
10 inconsistent or unintelligible entries in hospital or patient records in the following respects:

#### 11 Patient CL:

12 a. On or about February 20, 2004, at 1243 hours, Respondent signed out one  
13 (1) 10 mg. syringe of Valium and charted the administration of 2 mg. of the Valium, but failed to  
14 account for the disposition of the remaining 8 mg.'s of medication in any hospital or patient  
15 record.

#### 16 Patient RS:

17 b. On or about February 20, 2004, 1504 hours, Respondent signed out one (1)  
18 2 mg. vial of Ativan and charted the administration of 1 mg. of the Ativan, but failed to account  
19 for the disposition of the remaining 1 mg. of medication in any hospital or patient record.

#### 20 Patient JS:

21 c. On or about February 21, 2004, at 1813 hours, Respondent signed out one  
22 (1) 4 mg. syringe of Morphine and charted the administration of 2 mg., of the Morphine, but  
23 failed to account for the disposition of the remaining 2 mg.'s of medication in any hospital or  
24 patient record.

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**Patient RE:**

d. On or about February 22, 2004, at 1356 hours, Respondent signed out one (1) 2 mg. syringe of Dilaudid and charted the administration of 1 mg. of Dilaudid, but failed to account for the disposition of the remaining 1 mg. of medication in any hospital or patient record.

**Patient MB:**

e. On or about February 25, 2004, at 1523 hours, Respondent signed out two (2) 2 mg. syringes of Morphine, but failed to account for the disposition of the medication in any hospital or patient record.

**Patient AW:**

f. On or about February 27, 2004, at 1519 hours, Respondent signed out one (1) 8 mg. syringe of Morphine and charted the administration of 4 mg. of Morphine, but failed to account for the disposition of the remaining 4 mg. of medication in any hospital or patient record.

**Patient SG:**

g. On or about February 27, 2004, at 1931 hours, Respondent signed out one (1) 500 mg. tablet of Vicodin, but failed to account for the disposition of the medication in any hospital or patient record. Furthermore, the signing out of the medication was inconsistent with physician's orders, which did not call for the administration of that medication.

**Patient AC:**

h. On or about March 5, 2004, at 2126 hours, Respondent signed out one (1) 30 mg. tablet of Tylenol with Codeine No. 3, but failed to account for the disposition of the medication in any hospital or patient record. Furthermore, the signing out of the medication was inconsistent with physician's orders, which did not call for the administration of that medication.

**Patient MS:**

i. On or about March 9, 2004, at 1305 hours, Respondent signed out one (1) 100 mg. ampule of Fentanyl and charted the administration of 100 mg. of Fentanyl, however, Respondent also charted wasting 50 mg. of Fentanyl, for a total of 50 mg. more than what she signed out.

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1                    **Patient ES:**

2                    j.        On or about March 10, 2004, at 1209 hours, Respondent signed out two  
3 (2) 4 mg. syringes of Morphine and charted the administration of 6 mg. of Morphine, but failed  
4 to account for the disposition of the remaining 2 mg. of medication in any hospital or patient  
5 record.

6                    k.        On or about March 10, 2004, at 1343 hours, Respondent signed out one  
7 (1) 4 mg. syringe of Morphine, but failed to account for the disposition of the medication in any  
8 hospital or patient record.

9                    l.        On or about March 10, 2004, at 1344 hours, Respondent signed out one (1)  
10 2 mg. syringe of Morphine, but failed to account for the disposition of the medication in any  
11 hospital or patient record.

12                    **Patient LS:**

13                    m.        On or about March 10, 2004, at 1534 hours, Respondent signed out one  
14 (1) 2 mg. syringe of Dilaudid, and two (2) 10 mg. vial of Reglan, but failed to account for the  
15 disposition of the medication in any hospital or patient record. Furthermore, the signing out of  
16 the medication was inconsistent with physician's orders, which did not call for the administration  
17 of that medication.

18                    **Patient JXS:**

19                    n.        On or about March 10, 2004, at 1702 hours, Respondent signed out one  
20 (1) 100 mg. ampule of Dilantin, and one (1) 10 mg. vial of Reglan, but failed to account for the  
21 disposition of the medication in any hospital or patient record. Furthermore, the signing out of  
22 the medication was inconsistent with physician's orders, which did not call for the administration  
23 of that medication.

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1 PRAYER

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
3 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 624354, issued  
5 to Respondent Patricia Ann Hoover;

6 2. Ordering Respondent Patricia Ann Hoover to pay the Board of Registered  
7 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to  
8 Business and Professions Code section 125.3; and,

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 2/28/08

11 Ruth Ann Terry  
12 RUTH ANN TERRY, M.P.H., R.N.  
13 Executive Officer  
14 Board of Registered Nursing  
15 Department of Consumer Affairs  
16 State of California  
17 Complainant

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